

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
CIVIL NO.: 20-1596(DSD/DTS)

Tibebe F. Samuel,

Plaintiff,

v.

ORDER

Oromia Media Network, Principal
Officer Taddele M. Kitaba, and
Ayantu Bekecho,

Defendants.

This matter is before the court upon the motion to dismiss for failure to prosecute by defendants Oromio Media Network and its principal officer Taddele M. Kitaba.¹ Based on a review of the file, record, and proceedings herein, and for the following reasons, the court denies the motion.

Pro se plaintiff Tibebe Samuel commenced this action on July 13, 2020, alleging that defendants are engaged in advocating violence and inciting genocide in an effort to destabilize Ethiopia.² Samuel contends that defendants are doing so under the cloak of legitimate non-profit and non-partisan media work.

¹ Defendant Ayantu Bekecho has not made an appearance in this matter.

² The case was transferred to this district from the District of Maryland. ECF No. 4.

Samuel filed an emergency motion for preliminary injunction at the outset of the case. Defendants thereafter filed a motion to dismiss. Samuel opposed the motion, but also filed a motion to amend the complaint. Samuel filed the proposed amended complaint as an attachment to the motion to amend. See ECF No. 30-1. The parties ultimately stipulated that plaintiff could file the amended complaint on November 4, 2020, and that the pending motion to dismiss would be rendered moot. ECF No. 36 at 1. Defendants stated that they would file a renewed motion to dismiss within fourteen days of the date Samuel filed the amended complaint. The court agreed to reschedule the anticipated renewed motion to dismiss and pending motion for preliminary injunction for a future date. Id. at 2.

Defendants now move to dismiss for failure to prosecute because Samuel did not formally file the amended complaint with the court as instructed. As Samuel points out, however, he did file the amended complaint as an exhibit to the motion to amend. Although he should have filed the amended complaint as a separate docket entry, per the court's order, his failure to do so is excusable given that he is pro se and the process could well have been confusing to him.

Under these circumstances, the court does not believe that dismissal would be reasonable or appropriate. As a result, the court will give Samuel another chance to file his amended complaint

and defendants another chance to move to dismiss on the merits. If Samuel fails to comply with this order, the court will entertain a future motion to dismiss for failure to prosecute.

Accordingly, **IT IS HEREBY ORDERED that:**

1. The motion to dismiss for lack of prosecution [ECF No. 41] is denied without prejudice;

2. The motion hearing scheduled for Thursday, July 8, 2021, is cancelled;

3. Samuel shall separately file the amended complaint, currently docketed at ECF No. 30-1, on or before July 9, 2021;

4. Defendants may file a renewed motion to dismiss on or before July 30, 2021; and

5. As previously ordered, defendants' anticipated motion to dismiss the amended complaint and Samuel's motion for a preliminary injunction will be scheduled to be heard at the same time, on a date mutually agreeable to the parties.

Dated: June 30, 2021

/s David. S. Doty
David S. Doty, Judge
United States District Court